

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

COREY RASHAD MOORE

PLAINTIFF

v.

CAUSE NO. 1:16CV70-LG-RHW

D&D TOWE YARD, ET AL.

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING CASE**

BEFORE THE COURT is the Report and Recommendation [29] of United States Magistrate Judge Robert H. Walker, entered October 20, 2016. Magistrate Judge Walker gave Plaintiff Moore proper notice of a *Spears*/omnibus hearing to be conducted on October 20, but Moore failed to appear for the hearing. In light of this fact, and the record of all mail sent by the Court addressed to Moore since July, 2016, being returned as undeliverable, Magistrate Judge Walker recommended that Moore's claims be dismissed for failure to prosecute. Moore did not respond to the Report and Recommendation, and the copy mailed to him has also been returned as undeliverable. The Court agrees with Magistrate Judge Walker's recommendation that this case be dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with the Court's orders.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [29] of United States Magistrate Judge Robert H. Walker, entered October 20, 2016, is **ADOPTED** as the findings and conclusions of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that this case is
DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(b).
SO ORDERED AND ADJUDGED this the 8th day of November, 2016.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE